

25th January 1933]

VIII.—A BILL TO AMEND THE MADRAS GAMING ACT, 1930
(BILL No. 21 OF 1931).

* The hon. Sir MAHOMED USMAN:—" Mr. President, Sir, I beg to present the report ^a of the Select Committee on the Bill to amend the Madras Gaming Act, 1930, for certain purposes (Bill No. 21 of 1931) and move that the Bill as approved by the Select Committee be taken into consideration. This is a very small Bill, Sir, which has passed through the Select Committee stage and practically consists of only one section which says ' Any police officer having power to issue a warrant under subsection (1) may, instead of doing so, himself exercise all or any of the powers exercisable under such warrant '."

Clause 1.

Clause 1, with the alteration of ' 1932 ' into ' 1933 ' was put and carried.

Clause 2.

Clause 2, with the omission of the words and brackets ' (hereinafter referred to as the said Act) ' was put and carried.

Preamble.

The Preamble with the change of the word ' purposes ' into ' purpose ' was put and carried.

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—

" I now move, Sir—

' that the Bill, as amended, be passed into law '."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The motion was put and carried and the Bill was passed into law.

IX.—A BILL FURTHER TO AMEND THE MADRAS CITY POLICE ACT, 1888
(BILL No. 22 OF 1931).

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
" Mr. President, Sir, I beg to present the report ^a of the Select Committee on the Bill further to amend the Madras City Police Act, 1888, for certain purposes (Bill No. 22 of 1931) and move that the Bill as approved by the Select Committee be taken into consideration. This is the same as the previous Bill. This refers to the City of Madras, whereas the other one refers to the mufassal."

1-30
p.m.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The motion was put and carried.

Clause 1.

Clause 1, with the alteration of ' 1932 ' into ' 1933 ' was put and carried.

Clause 2.

Clause 2, with the omission of the words and brackets ' (hereinafter referred to as the said Act) ' was put and carried.

^a Printed as Appendix III on pages 381-383 infra.

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Preamble.

The Preamble with the change of the word 'purposes' into 'purpose' was put and carried.

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ Mr. President, Sir, I move—

‘ that the Bill, as amended, be passed into law ’.”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I second it.”

The motion was put and carried and the Bill was passed into law.

After Lunch (2-30 p.m.)

X.—A BILL FURTHER TO AMEND THE MADRAS CITY POLICE ACT,
1888 (BILL No. 2 OF 1932).

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—
“ I present the report^a of the Select Committee on the Bill further to amend the Madras City Police Act, 1888, for a certain purpose (Bill No. 2 of 1932) and move that the Bill as approved by the Select Committee be taken into consideration. In doing so I should just like to say a few words. The Commissioner of Police considers it very desirable that the necessary legislation should be passed as soon as possible. When the Bill was first introduced it contained the following provision:

‘ Whosoever knowingly gives or causes to be given a false alarm of fire to any fire brigade in the City of Madras or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, shall be liable on conviction to imprisonment which may extend to three months or to fine which may extend to one hundred rupees or to both.’

“ This is what exists in the Bombay Act. When the Bill came before the Select Committee they thought that we must take out the imprisonment. I agreed to the Select Committee’s decision. The provision now runs thus:

‘ Whoever gives or causes to be given to any fire brigade in the City of Madras or to any officer or fireman thereof, whether by means of a street fire-alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be liable on conviction to fine which may extend to one hundred rupees.’

“ The Select Committee considered this question very carefully and I think all the members have signed except two gentlemen who have written a note of dissent. The Select Committee report says: ‘ We consider that the mischief it seeks to penalize is serious enough to justify legislation. The present measure is drafted on the same lines as section 5 of the Bombay Police Amendment Act II of 1917. We have made some verbal amendments so as to make it clear that it is only when a person gives a false alarm of fire with knowledge of its falsehood that he will be liable under this enactment. We are not in favour of awarding imprisonment for an offence under this Act and have accordingly omitted the punishment.’

^a Printed as Appendix IV on pages 384-385 infra.

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“ In view of the fact that six cases have occurred in Madras where false alarms had been given it is necessary to pass this Bill. It is in the interests of the public that this legislation has been brought before the House. Supposing there is a false alarm of fire, the fire brigade in responding to it may ignore the real case if there is any.”

The hon. DIWAN BAHADUR SIR M. KRISHNAN NAYAR :—“ I second it.”

Mr. ABDUL HAMEED KHAN :—“ Mr. President, Sir, I regret I have to oppose this Bill. I have to characterize it as a false alarm. From the statistics that the hon. the Home Member has placed before us, I do not think any legislation will be justified, especially a penal legislation of this character. Is there a general prevalence of crime in society to force the hands of Government to bring forward a measure penalizing in its nature as this measure is? Neither the Commissioner of Police nor the Home Member has made out any case for this legislation. If really there were cases of a large number in the City where such false alarms have been received by the Police, the Government would be justified in bringing forward this measure. With regard to its merits, although the Select Committee has altered the nature of the Bill to a certain extent, I am afraid even that does not go far enough, because it has to be proved that the person who has given the alarm of fire has done it with bona fide intentions or he has done it in order either to tease the fire-brigade department or create some trouble to that section. This addition of the clause which he knows to be false does not help or alter the object of this legislation materially, because ultimately the man will have to go to the court the moment the Police regard him as one who has given a false alarm; he will have to go before the magistrate and prove his innocence. We know how difficult it is for poor people particularly to prove their innocence even if they are innocent. Such being the case the result will be that even in cases where the alarms are real the Police might not trace out the place and go to the place where the fire might really have taken place and consider that he has given the false alarm. He might be charged because the person might not have given the proper address of the place and might have in a hurry given some incorrect information. The alarm might be true and the fire might be taking place. If the fire engine does not go to the proper place because of the wrong address and then reports to the Commissioner ‘ no fire ’ the result will be the poor man will be hauled up and what is the punishment? It goes to hundred rupees. It is really a very harsh punishment for a crime like this. No doubt a section like this might exist in the Bombay Presidency. We know conditions differ with regard to the two cities. In Bombay the number of fires taking place is out of all proportion, at any rate very much more in number than it is here, and I can understand a provision of this nature being found in the City of Bombay. I do not know about the fire in Madras and Bombay, but I believe it must be many times more in Bombay than in Madras. So, I would repeat that these alleged crimes that have been committed by a set of people to the extent of six in the course of one year is sufficient for any Government to

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bring a penalizing legislation of this nature. Therefore I hope hon. Members will reject this motion because it will act as a hardship on the City of Madras because innocent men will be penalized for no mistake committed."

* Mr. SAMI VENKATACHALAM CHETTI:—"In the first place I may at once say that my objection in the forenoon for proceeding with this Bill was due to a copy of the Bill before it was amended by the Select Committee having been in my hands which included so far as punishment is concerned imprisonment to a maximum period of three months. As it was some time past when this Bill was amended by the Select Committee I lost all recollection of the modifications made in the Select Committee. Of course we then pointed out as we are doing to-day that there has not arisen a state of affairs in the City of Madras which would require an amendment of the City Police Act; and even now though more than ten months have passed still I am not convinced of the necessity for this Bill. As a matter of fact I do not think any false alarm has taken place which seriously interfered with the utility of the fire brigade in respect of managing other fires. But whatever that may be, so long as it is perhaps necessary to provide for future contingencies we have made it as liberally as possible in the sense that even innocent mischief-makers need not be penalized to conviction by imprisonment thereby damaging their future career.

2-45
p.m.

"After all, this is not an offence which requires such a drastic punishment as imprisonment. Therefore we suggested that imprisonment should totally go, and we also pressed that the fine of hundred rupees that is provided for in this Bill might be reduced to Rs. 50. Because, Sir, you are aware that even under the Indian Railways Act, the puller of the alarm chain in railway trains, if it was done with an intention to cause mischief, is punishable only with a fine of Rs. 50 for the offence. It seems to me that those who are on this side of the House whose constituency is concerned with this legislation are in a position to allow this Bill to be passed if the hon. the Home Member is pleased to allow an amendment reducing the fine of Rs. 100 to Rs. 50. With these words, I request the hon. Member to co-operate with us, so that we may proceed with the next item on the agenda."

* Mr. C. BASU DEV:—"Sir, I rise in support of this Bill. I wish to point out in this connexion that the misconception that innocent persons would suffer is certainly baseless. The burden lies on the prosecution to prove that the person who gave the alarm has known that it was a false one. The wording of the Bill is 'any alarm which he knows to be false.' In the absence of proof of this, no person will be punished.

"With regard to the suggestion made by the hon. Member for the City that the fine may be reduced to Rs. 50 on the analogy of pulling the alarm chain in trains, I think it is not reasonable. In the city if a false alarm is given and the fire brigade proceeds to a place where really

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P R E S E N T—*cont.*

Smith, C.I.E., I.C.S., Mr. E. Conran.	Vasudeva Pillai, Mr. V. G.
Sreshta, Mr. M. S.	Venkatachala Reddiyar, Mr. K. C. M.
Srinivasa Ayyangar, Mr. T. C.	Venkatarama Ayyar, Mr. K. R.
Srinivasan, Rao Bahadur R.	Venugopal Nayudu, Rao Bahadur R. K.
Sriramulu, Mr. G.	
Subbarayan, Dr. P.	Wright, Mr. W. O.
Subrahmanya Chetti, Rao Sahib P.	Yakub Hasan Sahib Bahadur.
Subrahmanya Bhatt, Mr. U. C.	Zamindar of Bodinayakkanur, The
Sundara Rao Nayudu, Mr. T.	Zamindar of Chemudu, The
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Zamindar of Kirlampudi, The
Thorne, C.I.E., I.C.S., Mr. J. A.	Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.**Prisons and Prisoners***Supply of buttermilk to C class prisoners.*

* 488 Q.—Mr. G. LAKSHMANA REDDI: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received proceedings of a meeting of the non-official visitors of the Bellary Central Jail presided over by Diwan Bahadur M. Gopalaswami Mudaliyar urging the modification in the jail diet given to the C class prisoners specially recommending the supply of buttermilk in order to ensure better health and if so, what action has been taken in the matter;

(b) whether the Government have also received complaints regarding bowel complaints and in particular dysentery prevalent among prisoners for want of buttermilk as part of their diet; and

(c) whether the Government have made any and if so, what enquiry to see if they should not change their opinion in regard to the supply of buttermilk?

A.—(a) The answer to the first part of the question is in the negative and the second part of the question does not arise.

(b) No.

(c) No.

Mr. G. LAKSHMANA REDDI:—“ May I know whether the report of the proceedings of any meeting of the non-official visitors has since been received? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ No, Sir.”

Mr V. M. RAMASWAMI MUDALIYAR:—“ May I know, Sir, whether in view of the feeling in respect of the non-supply of buttermilk to C class prisoners among the Members of this House, Government have any intention of modifying those rules? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I shall consider my friend's suggestion.”

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may be reduced to Rs. 50, I know that the proposal is made in the interests of smooth-sailing and I reluctantly agree to it."

* The hon. the PRESIDENT:—"I will put the motion to the vote of the House. The question is—

'that the Bill further to amend the Madras City Police Act, 1888, for a certain purpose (Bill No. 2 of 1932) as approved by the Select Committee be taken into consideration'."

The motion was put and carried.

Clause 1.

* The hon. the PRESIDENT:—"I will now put each clause to the vote of the House. Clause 1 with the alteration of ' (Amendment) Act, 1932,' into ' (Second Amendment) Act, 1933 ' was put and carried."

Clause 2.

Mr. T. S. RAMASWAMI AYYAR:—"I move—

'for the substitution of the words "fifty rupees" for the words "one hundred rupees" in clause 2'."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The amendment was put and carried.

Clause 2, as amended, was put and carried.

The Preamble was then put and carried.

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I now move, Sir—

'that the Bill, as amended, be passed into law'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

The motion was put and carried, and the Bill was passed into law.

XI.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1932-33.

GRANT VI—IRRIGATION (EXCLUDING CAUVERY-METTUR PROJECT)— RESERVED.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move that—

'the Government be granted a further sum not exceeding Rs. 900 under Grant VI—Irrigation (excluding Cauvery-Mettur Project)—Reserved.'

"This sum of Rs. 900 represents a token amount of 100 each under nine heads. The reasons for this demand are fully explained in the note which have been placed before the House. The explanatory notes give the details of expenditure under the several items. I think it is unnecessary for me to take up the time of the House in going through these items one by one. If any hon. Member wants further information, I shall be glad to supply it so far as I can."

The demand was put and carried, and the grant was made.